

Towards the Next Victory on Health Care

Lincoln Mitchell, Harriman Institute, Columbia University

Posted: November 8, 2009 05:44 PM

The passage of the health care bill is good news for President Obama and the Democrats, but it is more a case of avoiding defeat than of scoring a decisive victory. Given that the Democrats have control of almost 60% of the seats in the House of Representatives, by a margin of 257-178, and that all that was needed was a simple majority, this was not the greatest challenge facing Obama's health care reform. However, had the bill not passed the house, it would have been a stinging defeat for the president and his party.

Now the Democrats must win in the Senate. To do that, it is essential to somehow build on this initial, if unsurprising, victory in the House. However, the House and Senate are different institutions which often do not take cues from each other. Success in one far from guarantees success in the other; and momentum is an elusive, and often nonexistent issue in legislation, particularly given that it could be a number of months before the health care bill comes to the Senate floor. The issue in the Senate will not be winning a simple majority -- that should be relatively simple -- but winning a cloture vote. A cloture vote requires 60 senators voting to end discussion and bring the bill to a vote. Winning a cloture vote will be difficult, but the make or break moment for Obama.

The real partisan makeup of the Senate is now 60-40 in favor of the Democrats. This includes one nominal independent, Bernie Sanders of Vermont, who often votes with the Democrats, and one nominal Independent, Joseph Lieberman of Connecticut, who is part of the Democratic caucus but is really a Republican. Accordingly, the main focus of Obama's and the Democratic Senate leadership's aim should be to consolidate support of 60 Democrats and pick off one, or even two Republicans. The most likely candidates here are Senators Collins and Snowe from Maine. This is a different strategy than actively suiting a bipartisan bill. Doing that would require reaching out to the Republican Party and its leadership and seeking their input on the final bill. This would be a mistake because the Republican Party leadership had made it clear that their goal is to see health care, and with it the Obama presidency, fail. Reaching out to them would only make this easier for the Republican Party. Trying to peel off one or two Republicans by cutting political deals and appealing to the political realities in their home state is a distinctly different, and better, strategy.

A similar tactic should be avoiding compromising on the bill until as late in the process as possible. Obama could almost certainly get his 60 cloture votes in the Senate for a bill that is weaker than the House bill, but that trade-off would be a mistake. This is the closest we have come to meaningful health care reform in decades; if the president compromises it away too early it will be a devastatingly lost opportunity to make right one of the gravest problems facing many Americans. Rather than seeking to compromise on the bill with the misguided hope of ameliorating Republican rancor, the Democrats should seek to cut specific deals with specific

legislatures when necessary, while maintaining the sound fundamentals of the bill which was passed by the house.

Winning even one Republican cloture vote will be difficult, but it may not be sufficient. Only if the Democrats hold all 59 of their votes will one Republican vote be enough. This is unlikely as there are other Democrats in addition to the already written-off Lieberman, including Blanche Lincoln of Arkansas, who is threatening to vote against cloture. If Lincoln and others do not vote for cloture it will be extremely unlikely that any Republicans will, so this is extremely important. One key tactic for attracting these votes is to make it clear, from both Reid and Obama, that there will be a big cost associated with not supporting the party on this. Offering incentives for wavering supporters will be helpful, but making it clear that no Democrat will get a free pass if they vote against cloture is essential. Democrats who vote against cloture should expect no support from Senate Majority Leader Harry Reid or Obama on future pet issues, pork or other political considerations.

These tactics will seem unseemly coming from Obama and will allow his opponents to argue that he is no different than any of his predecessors. It seems like this is a tenuous attack and one that is worth fending off if real health care reform is at stake. If Obama is unwilling to take this relatively minor political risk, and therefore lets a small handful of recalcitrant Democrats destroy our chances for health care reform, he will have failed his constituents.